

Communications Division

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City of St. Louis



Hon. Freeman Bosley, Jr.
Mayor

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Board of Public Service

Robert F. Henry Jr., P.E.
President, Board of Public Service

Larry D. Stone
Cable Communications Manager

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FEB 27 1996

26 February 1996

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Secretary
Federal Communications Commission
1919 M Street NW
Washington DC 20554

RE: MM Docket # 95-176
Notice of Inquiry
Closed Captioning &
Video Description of Video Programming

Dear Sirs:

The City of St. Louis Communications Division files these comments in response to the Notice of Inquiry and Request for Comments in MM Docket 95-176.

The Communications Division serves as the City's video production and program management department, and operates two local government access channels over the St. Louis TCI cable tv franchisee's network. As a "programmer" responsible for serving constituents by making government activities more accessible through the video medium, we have a strong interest in the development of this public policy for the hearing impaired.

The Division has followed the development, interpretation and implementation of the Americans with Disabilities Act (ADA) for several years, and has voluntarily conducted its own ascertainment and research with regard to the City of St. Louis audience for, and cost of, various alternatives for hearing impaired access to television: closed captioning, signing, alpha-numeric messages, etc. We are currently soliciting proposals for closed captioning of our City Council meetings under a formal Request for Proposals (RFP).

Potential Audience

Broadly speaking, census data indicates both 10% of the national and regional population are "hearing impaired". (Specific statistics are not available for the City of St. Louis alone.) We assume therefore that some 38,000 residents of the City have some form of hearing impairment. Within that estimate, the Office on the Disabled of the City of St. Louis reports that there are only "7,000 to 10,000 profoundly deaf individuals in the City of St. Louis".

Assuming that cable penetration for the hearing impaired population is no greater or lesser than that of overall penetration (34%) (and there is only one hearing impaired person per household) we estimate approximately 5,700 cable households may have hearing impaired members.

57,000 subscribers x 10% = 5,700

168,000 households x 10% = 16,800 hearing impaired households x 34% = 5,712

By the same methodology, 7,000 to 10,000 "profoundly deaf" (assuming one per household and average cable penetration of 34%) only 2,100 to 3,400 "profoundly deaf" individuals in the City of St. Louis may be cable subscribers.

Even though they represent a small portion of the population, these residents and citizens are important to us; finding appropriate and affordable methods for serving them is a concern, not only of our city, but many other municipalities as well.

Current Availability

Since the implementation of ADA, we know of only one local commercial broadcast outlet that has (recently) initiated closed captioning for local news programs in the St. Louis market - KDNL-TV.

The Communications Division of the City of St. Louis also intends to close caption meetings of the City of St. Louis Board of Alderman beginning in the late spring of 1996. These taped weekly meetings (varying from 1.5 to 4 hours in length) are played on the Government Access (Cable) channel 4 times weekly.

Methodology and Cost Estimates

Signing

While some public meetings or legislative sessions are "signed" in real time, (C-SPAN programming for example) it can be difficult and cumbersome, requiring a dedicated camera, and "video insert" ability on the control board. The video insert itself must be small, and therefore somewhat difficult to see. Although tried experimentally, it did not prove viable for Board of Aldermen meetings in St. Louis due to serious space and technical considerations, not to mention a certain disruptiveness to the meeting itself because of additional personnel and cameras in an already congested meeting chamber.

Methodology & Cost

Captioning

Programs such as local newscasts and City Council meetings are not scripted. Therefore, both types must be closed-captioned on a "real-time" basis, as the program is being aired or taped for replay "live on tape". It is not practical for these programs to be captioned in post-production due to need for simultaneous or minimally delayed airing (one to two hours for the Board of Aldermen for example).

Based on informal preliminary information from one potential vendor, "live" closed captioning services [including vendor provision of all necessary equipment] currently cost \$125 per hour, with a two hour minimum. Each additional hour beyond the first two is \$175 per hour. (We expect that these prices will be verified in the written proposals we receive in late February.) Given these prices, we estimate that the current budget for closed-captioning of this one program alone will exceed \$20,000 annually.

\$425 per meeting x 40 meetings per year @ 3 hours
+ \$175 extra hour x 20 hours contingency
= \$20,500.

Assuming some 2,100 to 5,700 hearing impaired subscriber households, a minimum \$20,500 annual cost is estimated at approximately \$9.76 to \$3.60 per impaired subscriber household to provide closed captioning services for this one meeting of their elected officials in the City of St. Louis.

Our Board of Aldermen consists of 28 members plus the President; the complexity of a 3 camera shoot and 16 microphones may well increase the price of closed-captioning beyond our original conservative estimate. Specialized engineering is bid at another \$50 per hour to ensure all goes smoothly. Furthermore, other bidding vendors may prove to be more expensive. We raise this issue merely to demonstrate that it is neither simple nor inexpensive to bring one captioned legislative event to the screen.

Captioning Equipment Costs

Should the City of St. Louis choose to develop its own closed-captioning capability [rather than contract for such services] the following costs must be considered.

Capital funds for steno machines, computers, monitors, tele-prompting and other necessary equipment must be expended, easily totalling more than \$9,000. Software alone (the type used by CBS and NBC and Fox) which "provides instantaneous captioning of live presentations and interfaces to steno-typist machines " costs \$3,995.

Encoder and video insert equipment will also have to be specified in compatibility with existing equipment, procured and installed by qualified engineers. "Open captioning encoders" cost around \$6300 for the equipment itself.

Added to the one-time cost for equipment and software would be the on-going personnel costs. It is our understanding that encaptioning writers are currently commanding starting salaries of \$30,000 plus. Fringe benefits would add about 26% to that salary cost.

Increased Costs / Legal Considerations

Ms. Judy Larson, an Associate Professor at St. Louis Community College, has also advised us of the importance of considering a licensed court reporter for captioning purposes, in order to avoid the potential for problems from mis-captioning. This warning can not be ignored when budgeting for services, although the use of in-house staff or unlicensed captioner might be tempting from a cost perspective.

A Real Life Success Story

Hillsborough County, Florida spent some \$26,000 in 1992 for the equipment and software to begin closed captioning on their government access channel. That County had discovered (based on their first 6 month trial) the captioning service bids ranged from \$250 to

\$450 per program hour, depending upon the extent to which the County supplied the captioning equipment. They determined that purchasing their own equipment was more cost-effective in the long run, but required substantial upfront investment. Doing so allowed them to increase the number of public meeting hours captioned per month from 18 to 40 (average) in 1992. Hillsborough County has increased their captioned programming to about 1000 hours per year, a substantial financial commitment that required 3 full-time captioners on their own staff. Hillsborough County served as a training ground for these captioners, who were later hired away by local broadcast station at increased compensation.

Funding for Closed Captioning

We are not aware of any funding sources to pay for closed captioning of local government programming. In St. Louis, the Office on the Disabled has petitioned us to provide closed captioning services on many of our programs, but is not able to provide financial assistance in this matter. Their on-staff Signer is available to serve at public meetings (and often does so) but the marginal effectiveness of that method for the in-person (hearing impaired) attendees at meetings does not translate at all well to the TV screen.

Closed Caption Services Resources

The Office on the Disabled identified and referred 6 closed-caption vendors in the St. Louis Metropolitan area, all of whom were solicited in our current Request for Proposals for these services. However, only one has responded to our RFP by the February 21 deadline.

Mandatory Requirements for Captioning

While it is obviously desirable that all programming should be completely available to all viewers, the Commission is correct in its caution that costs of captioning all programming for the benefit of 10% of the viewing audience simply may be cost-prohibitive.

Commercial Programming

The Communications Division believes that the marketplace should determine the extent of closed-captioning purely entertainment programs, even instructional entertainment. The Commission may wish to seriously consider a requirement that network broadcast of important national public events (i.e. State of the Union addresses, Presidential debates, national emergencies, etc) be captioned. National nightly newscasts are another example of programming which deserves the widest possible accessibility to all viewers.

Public / Educational Broadcasters Programming

The already hard-pressed public television community should not be required to meet mandatory requirements unless new and additional funding is made available by the federal government which imposes the mandate. This community should be exempted, and allowed to continue its captioning efforts on a voluntary basis.

Local Government Programming

The vast majority of local government programming is delivered over cable systems to paying subscribers. St. Louis' programming, like that of most other local governments, is produced and paid for out of franchise fees received from cable operators for commercial use of our public right of way for private profit.

Many local governments, like ourselves, pay for all our own equipment, personnel, materials, supplies, overhead and program development from these funds, after meeting the regulatory expenses of franchise administration.

Assorted federal actions since 1984 already have, or could likely soon, reduce or limit these payments. [For example: potential franchise requirement restrictions on open video systems; the unanticipated complexity and associated burdensome costs of cable rate regulation for local franchise authorities eating into franchise fee revenues otherwise available for programming activities; administrative unfunded mandates or revenue reductions which could result from pending FCC actions on franchise fee matters.]

The Commission should think carefully about imposing a requirement in one rule-making while considering challengeable restrictions on the potential revenue to meet that requirement in another order.

In a broader context, Government Programmers should be exempted from mandatory captioning, and allowed to do so on a voluntary basis. We are fairly sure that local governments will be suitably responsive to the expressed needs and desires of voter/subscriber residents of their communities should the demand be felt.

Educational Access Programming

Such programming, produced under the widest possible variety of circumstances and funding, may have a very hard time in meeting a mandatory requirement, and therefore should be exempted. Elementary and secondary schools, especially in St. Louis, are likely to have a very small percentage of hearing impaired students because many are in special classrooms and schools, or receiving other forms of specialized assistance. The cost/benefit ratio would not justify the financial burden of mandatory closed-captioning.

Therefore, because such programming is targeted to a limited audience of in-school youth, exemption would be appropriate, and voluntary captioning, as appropriate for the school district(s) and community, should be permitted.

Public Access Programming

For the same reasons, individual public access programmers and public access channel management organizations should not be required to close-caption their programs. The cost is not only excessive and burdensome; it would discourage - if not eliminate - this particular and valuable forum for the exchange of ideas, information and perspectives.

Cable Operator Obligations for Access Captioning

By the same token, the cable operators which carry such governmental, educational or public channels should not bear a required burden to caption such programming on a post production or cablecast basis. Such mandated expense to serve a small group of subscribers would surely be passed along to all subscribers in the form of higher rates.

Summary

If captioning is required, it makes the most sense to us to do so on the actual producers of commercial information programming, since it is already voluntarily done on a substantial number of entertainment programs provided by national broadcasters. The C-SPAN voluntary model (signing) points the way in this direction.

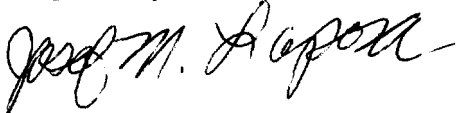
Captioning requirements should not be directly imposed on local distributors, especially local cable operators who would pass such costs on to all subscribers. Post-production captioning is difficult, costly and disruptive.

Based on the two proposed Commission standards for exemption, i.e.:

- 1) costs of captioning may exceed a reasonable percentage of overall production cost; or
- 2) the program (while interesting and valuable) may only attract a small percentage of the possible local/national viewing audience [narrow-casting],

PEG Access-produced programming and local public television production should be exempted from mandatory captioning at this time.

Respectfully submitted,



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